

AF/3643

US PTO Customer No. 25280

10/008,201

Case No. 5374

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Randy D. Petrea et al.  
Serial Number: 10/008,201  
Filed: December 6, 2001  
For: **NOVEL SYNTHETIC  
HYDROPHOBIC SAND  
FORMULATION**  
Group Art Unit: 3643  
Examiner: J. Gellner

*Reg. for  
Recor.  
Copy  
6-12-03*

RESPONSE TO NON-FINAL REJECTION

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**

JUN 11 2003

**GROUP 3600**

Sir:

In response to the Final Office Action mailed on April 28, 2003, Applicants hereby respectfully request entry and due consideration of the following remarks:

REMARKS

Claim 1 is pending within this application. No claims have been added, amended, or deleted.

The Office has rejected the only pending claim under 35 U.S.C. § 102(b) as being anticipated by Hirsbrunner. Applicants fail to understand the basis of such a rejection from two differing perspectives. First, patentee does not, contrary to the Office's position, provide an anticipatory teaching of the presently claimed invention. At best, and by no means do Applicants agree with this assessment, Hirsbrunner provides a *prima facie*

